

**CALCASIEU PARISH, LOUISIANA LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)
BY-LAWS OF THE LEPC**

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ARTICLE I NAME AND PURPOSE

Section 1. Name.

The name of this organization shall be the "Calcasieu Parish Local Emergency Planning Committee", hereinafter referred to as the LEPC.

Section 2. Purpose.

The purpose of the LEPC shall be:

- A.) To conduct for Calcasieu Parish those responsibilities required of the LEPC pursuant to Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, and related regulations including but not limited to:
- Development, training and testing of the hazardous substances emergency response plan for Calcasieu Parish.
 - Development of procedures for regulated facilities to provide Informational and Emergency notification to the LEPC in accordance with SARA, Title III.
 - Development of procedures for receiving and processing requests from the public under the Community Right-to-Know provisions of SARA, Title III.
 - Provision for public notification of committee activities.
- B.) To implement such other and further related activities as may hereafter be legally required by the Federal Government or the State Emergency Response Commission (SERC).

ARTICLE II MEMBERSHIP

Section 1. Qualifications.

The organization shall consist of those members nominated by the local governing bodies, the LEPC itself and approved by the SERC for membership in this body. Those persons named shall represent the various professional and community groups as designated by SARA, Title III. Members of the LEPC shall be residents of or conduct business in Calcasieu Parish.

Section 2. Officers.

The organization shall elect officers to conduct meetings, appoint subcommittees, keep minutes of meetings and to otherwise accomplish the work of the committee.

Section 3. Vacancies.

Any vacancy occurring in the LEPC by reason of the resignation, death or disqualification of a member will be filled by appointment in accordance with Article II, Section I.

Suggestions for candidates to fill vacant positions may be made by the Executive Committee to the LEPC, who will accept or reject by majority vote of those members in attendance at the next scheduled meeting. New members accepted by the LEPC will be submitted by the Chairman to the SERC for approval.

Section 4. Powers and Duties.

The LEPC shall have full charge of the planning for emergency response and public information as directed by law. It shall plan and direct the work necessary to carry out the planning mandated.

Section 5. Meetings.

There shall be at least four (4) regular meetings of the committee per year. Special meetings of the LEPC may be called by the Chairman at such time and place as the Chairman may determine. The Chairman must call a special meeting of the LEPC upon the written request of five (5) members. The special committees shall meet as required to complete their task.

Section 6. Quorum.

The presence of one-third (33%) of the members of the LEPC at the opening of the meeting shall constitute a quorum for the transaction of business by the LEPC. For the purposes of Standing Committee meetings, the presence of three members shall constitute a quorum for the transaction of business.

Section 7. Compensation.

Members shall receive no compensation, but shall be entitled to the necessary expenses, including travel expenses, incurred in the discharge of duties. Reimbursed rates shall be the same as Parish employees.

ARTICLE III OFFICERS

Section 1. Enumeration of Officers.

The officers of the LEPC shall be a Chairman, Vice-Chairman and a Secretary-Treasurer who shall be elected by the committee as a whole in a manner herein provided. All officers shall be members of the LEPC.

Section 2. Nomination and Election of Officers.

Prior to the expiration of the officer's term of service, nomination and election of the officers shall occur. Nominations will be accepted from the floor for the positions of Chairman, Vice-Chairman and Secretary-Treasurer.

The election shall be by ballot, except that when there is only one nomination for each office, election may be by voice vote. These officers shall be selected by a majority of the members of the LEPC present and voting at the meeting and confirmed by the SERC.

Section 3. Term of Office.

The term of the officers shall be for a period of two years, beginning January 1.

Section 4. Chairman.

The Chairman shall preside at all meetings of the LEPC; shall serve as an ex officio member of all committees; and shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The Chairman shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of the LEPC.

Section 5. Vice-Chairman.

Upon resignation or death or in the absence of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. The Vice-Chairman shall perform such other duties as may be assigned by the Chairman.

Section 6. Secretary-Treasurer.

The Secretary-Treasurer in cooperation with the Chairman shall be the custodian of all books, papers, documents and other property of the LEPC. The Secretary-Treasurer shall keep a true record of the proceedings of all meetings of the LEPC. Additionally, the Secretary Treasurer in conjunction with the Chairman shall attend to the business needs of the LEPC and shall maintain an accurate record of all moneys received and expended for the use of the LEPC.

ARTICLE IV COMMITTEES

Section 1. Executive Committee.

The Executive Committee will consist of the Chairman, Vice-Chairman, Secretary-Treasurer and the Chairman of the four Standing Committees as described below. The duties of the Executive Committee shall be to coordinate activities of the Standing and ad hoc Committees.

Section 2. Standing Committees.

The following Standing Committees shall be established:

A.) Right-to-Know Committee -

This Committee shall be responsible for the formulation of all policies and procedures concerning the public's Right-to-Know program; the formulation of all chemical release reporting procedures; the establishment of trade secret protection procedures; and the formulation of all record keeping and information dissemination procedures for the LEPC.

B.) Public Education and Information Committee -

This Committee shall be responsible for the development of a public alert and notification program; public relations with affected communities and the public at large; all publicity of the LEPC; development of public education and information program.

C.) Hazardous Material Facilities Liaison Committee -

This Committee shall be responsible for procedures for identification and communication with affected facilities. This Committee shall work with the Emergency Response and Resources Committee and with affected facilities to develop and test a hazardous substance emergency response plan for the planning district as required by law.

D.) Emergency Response and Resources Committee -

This Committee will work with the Hazardous Facilities Liaison Committee and with existing emergency response organizations in jurisdictions within the planning district to develop and test a hazardous substance emergency response plan for the planning district as required by law. This Committee shall review existing Federal, State, and local plans for the purpose of coordination with the LEPC planning program.

Section 3. Meetings.

Meetings of the Standing and ad hoc Committees may be called by the Chairman of the LEPC or the Chairman of those Committees as deemed necessary.

Section 4. Chairmen of the Standing Committees.

The Chairmen of the Standing Committees shall be nominated and elected by their respective Committees. Voting shall be conducted as provided in Article IV, Section 2.

Section 5. Membership of Standing Committees.

All LEPC members must volunteer to serve on at least one Standing Committee and shall not serve on more than two Standing Committees. Final membership on the Standing Committees shall be determined by the Chairman after consultation with the Executive Committee to ensure that all Committees have sufficient manpower to carry out their assigned tasks.

Section 6. Ad Hoc Committees.

The LEPC Chairman may create ad hoc committees as necessary to perform the functions of the LEPC. The Chairman of an ad hoc committee shall be appointed by the LEPC Chairman.

ARTICLE V MISCELLANEOUS PROVISIONS

Section 1. Fiscal year.

The fiscal year shall be considered to run from January 1 to December 31.

Section 2. Indebtedness.

All indebtedness incurred by the LEPC shall be approved by the Chairman before payment by the Secretary-Treasurer.

Section 3. Approval of By-laws.

These by-laws shall become effective upon approval by a majority by those in attendance at the organizational meeting and approved by the SERC.

Section 4. Disqualification.

A.) Regular Membership -

Any member that is absent from half or more of the regularly scheduled meetings in the calendar year may be subject to dismissal by the LEPC. Said member will receive by certified mail or verbal contact a request to show just cause, why the member in question should not be dismissed.

If said member does not respond by the next regular meeting, a vote to disqualify will be acted on at that meeting. All disqualifications will be acted on by the full LEPC and then forwarded to the SERC for official action.

B.) Executive Committee Memberships -

Any Executive Committee member who does not attend at least half of the Executive Committee meetings may be disqualified, per the above mentioned procedure.

C.) Leaves of Absence -

Members who are under extenuating circumstances may request a maximum of a one year leave of absence. This will be approved by the full board.

D.) Group Representation Disqualification -

Any member who no longer represents the professional or community group in which they were originally appointed will be disqualified from representing their group any further. The member may petition the full board for permission to represent the community at large, if a position is open.

The full board will review the position and determine disqualification. All action must be acted on by the full board and sent to the SERC for final approval.

ARTICLE VI AMENDMENTS

Section 1. Amendments.

These by-laws may be amended by a two-thirds vote of members present and voting at any meeting of the LEPC provided that any proposed amendments to these by-laws be submitted to the members in writing at least one week in advance of the meeting and approved by the SERC.

ARTICLE VII RULES

Section 1. Adoption of rules; Publication of Proposals.

The LEPC may, as necessary and proper, adopt rules of general application governing the execution of its responsibilities under Title III and related applicable regulations. Any such rules must first be published in proposed form not less than 10 days prior to final adoption by the LEPC.

Publication shall be effected through posting of the proposed rules and a statement of basis and purpose (method to be set by the LEPC). (The proposed rule together with the statement of basis and purpose are hereafter referred to as "notice of proposed rulemaking".)

Such notice of proposed rulemaking shall invite written public comment on any aspect of the proposed rule during the 10 day period. The LEPC may choose, but is not required, to mail notices of the proposed rulemaking to interested local governmental officials, industries, and citizens.

Section 2. Method of Initiating Proposed Rulemaking.

Any member of the LEPC may recommend the initiation of proposed rulemaking. Any proposed rules shall be initially considered by the Executive Committee, unless otherwise decided by the LEPC. If the Executive Committee, by majority vote approves a proposed rule it shall thereafter proceed with publication as provided in the preceding section.

Section 3. Method of Adopting Final Rules.

Following the expiration of the 10 day comment period, the Executive Committee shall review all public comments and prepare a statement which responds to comments raised and discusses the basis for any appropriate changes to the proposal.

The Executive Committee shall present such statement of the LEPC. The LEPC shall then vote on the adoption of the proposed rule. If the LEPC acts favorably, the rule shall take effect immediately upon the time and date the notice of adoption is first published unless the LEPC determines otherwise.

Section 4. Emergency Rule.

In emergency circumstances, to be determined by the LEPC, the LEPC may adopt rules without prior public notice and comments, provided that no such rule will remain in effect for more than 90 days.

ARTICLE VIII PARLIAMENTARY AUTHORITY

Section 1. Parliamentary Authority.

The rules contained in Robert's Rules of Order, Newly Revised, shall govern this committee in all cases to which they are applicable and in which they are not inconsistent with these by-laws.